



**REGULAR MEETING OF THE COMMON COUNCIL
MIDDLETOWN, CONNECTICUT
DECEMBER 5, 2011**

Organization Meeting	A Regular Meeting of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building, on Monday, December 5, 2011 at 7:00 p.m.
Present	Mayor Daniel T. Drew, Council Members Thomas J. Serra, Ronald P. Klattenberg, Mary A. Bartolotta, Gerald E. Daley, Robert P. Santangelo, Hope P. Kasper, Grady L. Faulkner, Jr., Philip J. Pessina, Joseph E. Bibisi, Linda Salafia, Todd G. Berch, and Deborah A. Kleckowski, Corporation Counsel Daniel B. Ryan, Sergeant-at-Arms Jeffrey Laskowski, and Council Clerk Marie O. Norwood.
Also Present	Hartford Courant Reporter Shawn Beals, Middletown Press Reporter Jim Salemi, and Fifty-five Members of the Public
Meeting Called to Order	Mayor Drew calls the meeting to order at 7:00 p.m. and asks Rev. John Hall to lead the public in the Pledge of Allegiance.
Call of Meeting Read	The Call of Meeting was read and accepted. Mayor Drew declares the Call a Legal Call and the Meeting a Legal Meeting.
Motion to Amend Agenda	Councilman Serra moves to accept the agenda with the substitution of item 12, Mayor's Appointments and his motion is seconded by Councilman Santangelo. The Chair, hearing no discussion, calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the vote is unanimous with no opposed and the motion passes unanimously.

<u>Agenda Item</u>	<u>3</u>
Description	

Presentations

<u>Agenda item</u>	<u>3-1</u>
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The Chair calls on Councilman Bibisi for agenda item 3-1: Honoring Mayor Sebastian N. Giuliano; Councilman Bibisi asks his fellow Council members to come to the podium with him. Council Members Pessina, Salafia, and Kleckowski along with former Mayor Giuliano come to the podium.

Councilman Bibisi states it is an honor to be presenting this to our Mayor for the last six years. He reads the resolution for the public and move sit for approval. Councilman Serra seconds the motion. The Chair states without objection, the resolution is approved by acclamation.

The Chair recognizes Councilman Bibisi who states during the past six years, the Mayor finished the construction of the high school; it came in on budget and finished on time. Then he had the crisis of Kleen Energy and that issue was resolved for the betterment of Kleen Energy and we got through that. He dedicated his life to the citizens of Middletown for six years. He was a proactive mayor and it was an honor to be his Deputy Mayor.

Councilman Bibisi gives former Mayor Giuliano a gift from the Council. Councilman Serra congratulates him for the six years of time spent as Mayor and particularly, his family. Knowing what it takes and the time away from family, that in itself should be congratulated. You can now enjoy your free time. Councilwoman Kleckowski states on behalf of Senator Len Suzio, who could not be here, he wanted to extend to you heartfelt thanks; he enjoyed working with you and going through the snow, door to door with you. People were elated to see Seb and it made an impact on Senator Suzio. He extends his well wishes. So do I. It was truly an honor serving with you and I hope you will be an advisor for us. Thank you and the Giuliano family. Councilman Pessina states your honor, it was my pleasure to serve as minority leader and I want to personally thank you on behalf of the citizens of Middletown. You were a guardian angel during the loss of power and being raised in the community, you had the best interests of Middletown citizens. We appreciate that, and they appreciate that. Councilwoman Salafia states thank you; under my Council hat, I would not be sitting up there without your guidance and help; as a City employee, it was wonderful to work with you; and as a Local 466 officer, we thank you for working with us. Mayor Drew states we had a lot of opportunities to know each other and you have a wonderful family and thank you for serving for six years.

Mr. Giuliano states as you sit there, what you will notice as you look out in the room, your eyes will gaze over to that wall and he points to the former mayors of the City; there are 59 other photos up there going back to 1650. You will realize some day your face will be on that wall and it doesn't happen until you leave office and do you become a picture on the wall or a part of the City's history. There are challenges the office will present you different from those on the Council and presented to the Council. There are times when you will be standing alone with the choices you have to make. It is about choices and balancing competing interests and not everyone will be happy with your choices and all you can do is go home and hope you made the right one. When your picture is on the wall, people will remember your administration that moved the City forward. That is what everyone up there tried to do. Find things that need to be improved and begin things that you know how long will take and will be finished by someone else. Mayor Thornton left me with some things as did Mayor Holzberg, Serra, Gionfirdo and Garafalo and I hope I left you with something to do. Middletown's best days are still ahead of them. He hopes that we will always say Middletown's best days are ahead of us and we should not rest on our laurels and always strive when people look back they will say their lives were better; that we gave them something to work with. Thank all of you with whom I served and offer best wishes with those who are new and my best wishes to you your honor; the ups will be much more than the downs. It is something you will always remember. It will always be a part of you and I want to express my thanks to the Citizens of Middletown. Thank you so much.

Resolution No.
File Name
Description
(Approved)

175-11
ccgiuliano
Honoring Sebastian N. Giuliano.

WHEREAS, Sebastian N. Giuliano was sworn in as Mayor on November 15, 2005, serving for three consecutive terms, a total of six years; and

WHEREAS, he oversaw the completion of the new Middletown High School, a state-of-the-art school in Connecticut with a professional-style auditorium used for large theatrical productions enjoyed by our citizens, as well as an all purpose playing field utilized not only by local athletes, but also for State tournaments; and

WHEREAS, during his term of office, he enthusiastically supported the use of alternative energy sources; the new Middletown High School is equipped with an alternate source of energy so the school could be used as the school could be used as an emergency shelter; the high school has well-served the citizens of Middletown during two storms, Tropical Storm Irene and Storm Alfred; mayor Giuliano also executed contracts with Honeywell which will produce energy conservation savings for years to come; and he was also instrumental in the purchase and installation of a back-up generator for City Hall to insure that services would still be available to Middletown Residents; and

WHEREAS, Mayor Giuliano secured state grant funding for the purchase and installation of a back-up generator for the municipal Building, allowing offices to remain open during power outages and continue to serve the public without interruption;

WHEREAS, he supported open space acquisition and the City saw an additional 365 acres added for the passive enjoyment of Middletown citizens; and

WHEREAS, his administration oversaw the Parking Study which lead to the creation of the Parking Department, the reconstruction of Melilli Plaza and new technology for the Parking Department to become self-sustaining; and

WHEREAS, Mayor Giuliano wanted to bring Middletown into the 21st Century through technology use and updated the City's website to be more interactive by allowing citizens the ability to conduct business using the website; and

NOW, THEREFORE, BE IT RESOLVED, BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That on behalf of the citizens of the City of Middletown, we thank Sebastian N. Giuliano for his dedication and commitment. His love and passion for Middletown and its citizens was always very evident as he served as Mayor.

Agenda Item

3-2

The Chair recognizes Councilman Pessina for agenda item 3-2; he states Dave Bauer could not attend tonight and he reads the resolution into the record. Councilman Serra seconds the motion. The Chair states without objection the resolution passes by acclamation; seeing no objections, he declares the matter approved.

Resolution No.
File Name
Description
(Approved)

176-11
ccbauer2011
Honoring David Bauer.

WHEREAS, David Bauer. was elected to the Common Council and sworn in on January 31, 2006; and

WHEREAS, David served on the Economic Development Commission, Contract Compliance, and the Middletown Resource Recovery Commission to ECRRA from January 2006 through November, 2011; and

WHEREAS, he also served four years on the Board of Health, Senior Affairs, Public Works Commission and the Water Pollution Control Authority He has also served on the Citizens Advisory Commission, Public Safety, and Middletown Commission on the Arts and Culture; and

WHEREAS, David also served on the Clean Energy Task Force which has hired Honeywell to help the City in its goal of energy conservation and to establish Middletown as a green municipality in the State; and

WHEREAS, David's commitment to Middletown citizens was to work for more open, transparent government actions; he was the voice of for many Middletown taxpayers; and

WHEREAS, David worked for fiscal responsibility and government accountability for such programs as budgeting for necessary repairs to infrastructure instead of bonding.

Now, Therefore, Be it Resolved by the Common Council of the City of Middletown: We thank Councilman David Bauer, on behalf of Middletown Citizens, for his dedication to the City of Middletown and its residents; during his five years of service on the Common Council, it's citizens have seen a revitalization of Middletown, the growth of the Grand list, the retiring of the Middletown Wastewater Treatment Plant, and a City that continues to prosper; and

BE IT FURTHER RESOLVED: That we wish him good health and best wishes for all his future endeavors; he has been a voice of the people on the Council and has been a role model for all citizen activists; and we hope that he continues being active and involved in the City.

Agenda Item **3-3**

The Chair recognizes Councilman Faulkner for agenda item 3-3 and honoring Attorney William Howard. Councilman Faulkner reads the resolution and moves it for approval. His motion is seconded by Councilman Serra. The Chair states without objection, the motion will carry by acclamation. Councilman Faulkner congratulates Attorney Howard and thanks him for his service.

Attorney Howard thanks former Mayor Giuliani for having the opportunity for serving in the position of Corporation Counsel and thanks the Council for the challenge for serving in this position. It has been challenging and he is glad to see someone as capable as Dan Ryan in the seat and says to Mayor Drew congratulations and wishes the Council good luck during their tenure. He states thank you.

Resolution No.	File Name	Description (Approved)

**177-11
cchoward
Honoring William Howard.**

WHEREAS, William Howard was appointed as Corporation Counsel of the City of Middletown by Mayor Sebastian N. Giuliano on November 15, 2005 and has served for six years; and

WHEREAS, Bill has been conscientious, steadfast and always professional in serving as Corporation Counsel, and has rendered his legal opinions in a fair manner; and

WHEREAS, Bill has been an active member of the community and has served the City in the past as Corporation Counsel, Chair of Charter Revision, and Acting City Attorney; and

WHEREAS, he graduated from the University of Connecticut in 1964, Harvard University Law School in 1967 and Georgetown University LL'M (Tax) degree in 1971; he has been practicing law in Connecticut since 1967 and can practice before the U. S. district Court for the District of Connecticut, the U. S. Appeals Court for the Second Appeals Court, the Supreme Court and the U. S. Tax Court; and

WHEREAS, he served as the Town Attorney for Haddam, Chester, and Killingworth; he represents the Killingworth Zoning and Wetlands Commissions; and

WHEREAS, he is an active member of the Middlesex County Bar Association, Connecticut Bar Association, the Middlesex Chamber of Commerce and the Rockfall Foundation; and

WHEREAS, Attorney Howard has been partner to the Law Practice of Howard and McMillan for over thirty years.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That we thank William S. Howard, Esq. for his service as Corporation Counsel; he has shown his dedication and commitment to the City of Middletown through his work for the Mayor's Office and Common Council; and

BE IT FURTHER RESOLVED: That we wish Bill good health and happiness in all his future endeavors; we hope that he will continue to be involved with his community.

Agenda Item **3-4**

The Chair recognizes Councilman Berch for agenda item 3-4. Councilman Berch states in absence of Christine Berry Bourne, he will read the resolution into the record. He moves it for approval and is seconded by Councilman Pessina. The Chair states the resolution can be accepted by acclamation if there are no objections. Hearing none, he declares it approved.

Resolution No.	File Name	Description (Approved)

178-11
ccbourne
Honoring Christine Berry Bourne.

WHEREAS, Christine Berry-Bourne was first elected as Treasurer in November, 1995; and

WHEREAS, Christine has had a successful run for the Office of Treasurer, winning each election since 1995 with an overwhelming majority of votes; and

WHEREAS, she has been diligent in the performance of the duties of the Treasurer of the City of Middletown; and

WHEREAS, over the years in office, she has seen the smooth transition of the City moving from out-moded financial methods in banking and bonding, to newer methods using technologies in place today, like electronic transfer of funds and bond issues via electronic offers; and

WHEREAS, she has been a steadfast advocate for the Office of City Treasurer and the duties bestowed upon this office.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That we thank Christine Berry-Bourne for sixteen years of dedication to the Office of Treasurer; she has worked for the betterment of Middletown's Finance Department; and

BE IT FURTHER RESOLVED: That we wish her well in all her future endeavors.

Agenda Item 3-5

Councilman Klattenberg reads agenda item 3-5 honoring Carl Bolz for approval. Mr. Bolz comes forward to the podium. Councilman Serra seconds the motion. Councilman Klattenberg thanks Carl for all his service to the Planning and Zoning Commission. The Chair states without objection 3-5 can be approved by acclamation. Hearing no objections, the matter is declared approved.

Resolution No.
File Name
Description
(Approved)

179-11
ccbolz
Honoring Carl Bolz.

WHEREAS, Carl Bolz first served on the Planning and Zoning Commission with his appointment to the Commission on July 3, 1995; and

WHEREAS, after the Charter was revised to elect the Planning and Zoning Commission, Carl has been elected or has been appointed to fill unexpired terms as both a regular and alternate member from 1995 to 2011; and

WHEREAS, while on the Commission, he served as Chairman and Vice-Chairman as well as the Planning and Zoning member at MidState Regional Planning; and

WHEREAS, during his tenure, the Planning and Zoning Commission has worked hard on the City's Plan of Development and he has been an advocate of an open space policy as well as sound planning principles for the growth of Middletown; and

WHEREAS, his knowledge of planning and zoning will be missed by the Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That we thank Carl Bolz for his sixteen years of service to the Planning and Zoning Commission; he has been a well-respected member of this Commission and is an example for Middletown Citizens to become involved in their community; and

BE IT FURTHER RESOLVED: That we wish Carl well in all his future endeavors and hope that he will continue to volunteer and offer service to Middletown.

Agenda Item 3-6

Councilman Serra reads and moves for approval agenda item 3-6; Barbara Plum comes forward. Councilman Pessina seconds the motion. Councilman Serra states as he said to Mayor Giuliano a lot of time was spent away from family and he congratulates her for her service. Ms Plum thanks the Council and Citizens of Middletown. She enjoyed her time on Planning and Zoning and they have done some good things. Thank you very much. The Chair states the matter is approved by acclamation if there is no objection. There are no objections.

Resolution No.
File Name
Description
(Approved)

180-11
ccplum
Honoring Barbara Plum.

WHEREAS, Barbara Plum served on the Planning and Zoning Commission from January, 1998 to November 15, 2011; and

WHEREAS, Barbara was appointed to the Commission to fill the unexpired term of Ronald P. Klattenberg, as an alternate member on January 5, 1998; she was elected as a regular member to a seat on the Commission in November, 1999 and was re-elected in 2003 and 2007; and

WHEREAS, Barbara has served as the Planning and Zoning Chair of the Commission From November, 2001 to November, 2008; she also served on the Parking Committee which conducted a study of parking needs of the City; and

WHEREAS, she has also served as a member of the Citizen's Advisory Committee and MidState Regional Planning, during her tenure on the Planning and Zoning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That on behalf of the citizens of Middletown, we thank Barbara Plum for thirteen years of service to the Planning and Zoning Commission. Her efforts and dedication are an

inspiration to all Middletown electors to be involved with their community; and

BE IT FURTHER RESOLVED: That we appreciate all her efforts to help Middletown grow and prosper during her terms of office and we wish her well in all her future endeavors.

Agenda Item 3-7

The Chair recognizes Councilwoman Kleckowski for agenda item 3-7; she states I don't believe Catherine Johnson is here and she reads the resolution into the record. She moves it for approval and the motion is seconded by Councilman Santangelo. Councilwoman Kleckowski asks to speak to it. She states I wish Catherine was here; she wanted to personally thank her. She catapulted me to service on the Council. I appreciate all of her efforts. She helped me to understand the work of the Commission and expresses her heartfelt congratulations and thanks her for her help. The Chair states without objection, I will declare the matter approved by acclamation.

**Resolution No.
File Name
Description
(Approved)**

**181-11
ccjohnsoncath
Honoring Catherine Johnson.**

WHEREAS, Catherine Johnson served on the Planning and Zoning Commission from November, 2007 to November 15, 2011; and

WHEREAS, Catherine has been an active member of the Planning and Zoning Commission, using her knowledge of city planning to help Middletown in its decisions of land use; and

WHEREAS, she has also served as a member of the MidState Regional Planning.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That we thank Catherine Johnson for her four years of service to the Planning and Zoning Commission. Her efforts and dedication are an inspiration to all Middletown electors to be involved with their community; and

BE IT FURTHER RESOLVED: That we appreciate all her efforts to help Middletown grow and prosper during her term of office and wish her well in all her future endeavors.

Agenda Item 3-8

Councilman Daley has Quentin Phipps join him at the podium. He reads and moves agenda item 3-8 for approval. His motion is seconded by Councilman Serra. Councilman Daley congratulates him. The Chair states without objection, it is approved by acclamation.

**Resolution No.
File Name
Description
(Approved)**

**182-11
ccphippsthankeyou
Honoring Quentin W. Phipps.**

WHEREAS, Quentin W. Phipps was elected to the Planning and Zoning Commission as an alternate in November, 2007; and

WHEREAS, he was appointed as a regular member on January 13, 2010; and

WHEREAS, Quentin was elected as Chair of the Commission and served as Chair from February, 2010 to November, 2011.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That on behalf of the citizens of Middletown, we thank Quentin W. Phipps for his four years of service on the Planning and Zoning Commission; he has been a dedicated member of the Commission; and

BE IT FURTHER RESOLVED: That we appreciate his efforts on behalf of the City of Middletown and wish him well in all his future endeavors.

Agenda Item 3-9

Councilwoman Kasper asks Mr. Cornwall to come to the podium. She reads and moves agenda item 3-9 for approval. She thanks him; he did a great job. Mr. Cornwall thanks the Council. The Chair states, without objection, agenda item 3-9 is approved by acclamation.

**Resolution No.
File Name
Description
(Approved)**

**183-11
cccornwall
Honoring Peter Cornwall.**

WHEREAS, Peter C. Cornwall was elected to the Board of Assessment Appeals in November, 2009 and served two years for the City of Middletown; and

WHEREAS, the Board of Assessment Appeals purpose is to review and determine tax appeals for real property for Middletown citizens; and

WHEREAS, Peter has worked diligently on this Board during his term of office.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF

MIDDLETOWN: That, on behalf of the citizens of Middletown, we thank Peter C. Cornwall for his service to the City of Middletown and its citizens; and

BE IT FURTHER RESOLVED: That we wish him good luck in all his future endeavors.

Agenda Item 3-10

Councilwoman Salafia is recognized for agenda item 3-10 and asks that William Wilson Come forward. She reads agenda item 3-10 and moves it for approval. Her motion is seconded by Councilman Pessina. Mr. Wilson thanks the Council. The Chair states agenda item 3-10 is approved by acclamation if there is no objection. There are none.

**Resolution No.
File Name
Description
(Approved)**

**184-11
ccwilson
Honoring William Wilson.**

WHEREAS, William S. Wilson was elected to the Board of Assessment Appeals in November, 2009 and served two years for the City of Middletown; and

WHEREAS, the Board of Assessment Appeals purpose is to review and determine tax appeals for real property for Middletown citizens; and

WHEREAS, Bill has worked diligently on this Board during his term of office.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That, on behalf of the citizens of Middletown, we thank William S. Wilson for his service to the City of Middletown and its citizens; and

BE IT FURTHER RESOLVED: That we wish him good luck in all his future endeavors.

**Agenda Item 4
Description Approval of Minutes**

The Chair asks for a motion to approve the minutes of the regular Common Council meeting of November 7, 2011 at 7 p.m. meeting; Special Meetings of November 7, 2011 at 6 p.m., November 15, 2011 at 7 p.m., and November 21, 2011 at 6:30 p.m.; the minutes of the meetings having been deposited with the Mayor and Corporation Counsel and copies of the same having been served on each and every Council Member, the reading of the same having been dispensed with, Councilman Serra moves them for approval and there is a second by Councilwoman Kasper. Councilman Faulkner abstains from the vote on the minutes of November 7, 2011 at 6 p.m.. The Chair asks if there is any discussion; hearing no other discussion, he calls for the vote and asks anyone who needs to abstain to signify after the vote. Councilwoman Kleckowski abstains from the vote on the minutes of November 7, 2011 at 6 p.m. and 7 p.m.; Councilwoman Salafia abstains from the votes on the minutes of November 7, 2011 at 6 p.m. and 7 p.m.; Councilwoman Bartolotta abstains from the votes on the meetings of November 7, 2011; Councilman Serra abstains from the vote of November 7, 2011 at 6 p.m.; and Councilman Berch abstains from the votes on the minutes of November 7, 2011. The Chair states the minutes are approved unanimously with the noted abstentions.

**Agenda Items 5 and 6
Description Public Hearing Opens on Agenda Items**

Public Hearing Opens

The Acting Chair opens the public hearing on agenda items at 7:39 p.m. on agenda items; for those items not on the agenda, there will be a community meeting on December 8.

John Hall is here as president of Jonah Center and as the project manager for the City's Honeywell project. He speaks about the appropriation of \$20,000 to allow for the creation of a general bicycle plan for the City of Middletown and agenda item 11-6 which relates to the grant application for federal funds for the bike way. They had a meeting last Tuesday; there are a lot of bicycling enthusiasts in Middletown and since the meeting, his phone has been buzzing with a lot of talk. There are a lot of decisions to be made and it is important to pass the appropriation because we need a bike plan to make the most of the grant application. There was some work in the early 1990's for bike paths so we have a history of trying to be bike friendly. Bicycling is a growing sport and as a mode of transportation is increasingly important. He urges the council to pass the appropriation and resolution. He asks anyone here in support of the bicycling plan and master biking plan to stand to signify support of this. About a dozen people stand in support.

Matt Lesser echoes the comments of Pastor Hall and supports item 11-6 on the agenda and the appropriation. He is a believer of complete streets and thanks the Economic Development Commission members and members of the council

who support building bike paths. He thanks the Council for their leadership in pushing this forward.

Beth Emery states she supports this resolution. She has spoken in front of the Common Council about the importance of coming up with a complete streets plan and accommodating for bicycles and pedestrian traffic. This will start to build the plan and applying for federal funds for transportation enhancements mostly bicycling; she hopes the committee looks at the best plan and not just an assumption that the plan as proposed is the best one. The plan is for a multi-purpose trail and there are other ways to help bring about bicycling paths. It doesn't have to be a multi-purpose trail. Half the plan could be widening the shoulders of the road so people can get from place to place safely. Both options work and many have worked in communities across the county and not just the bike trails. She hopes they look at all the options and work with Planning and Zoning for the best use of the funds and hopes the Mayor will appoint her to this committee because she has talked about it for a very long time.

Joyce Rossiter states prominent in the details are the inclusion of Wesleyan Hill bike paths. These are privately built footpaths and they are not suitable for bike paths and they ask that the mention of Wesleyan Hills bike paths be eliminated and the parking lot is private and should be eliminated also.

A resident living on Scenic View Drive states after Irene and the snow storm he used this trail and as a commuter route, it is viable. He lives on the southwest corner and there are 50 or 60 houses near it. He would like to serve on the committee and he would like to see it continued to River Road on the rail line. Connecticut has some of the nicest vistas and River Road is almost deserted because it dead ends at Pratt and Whitney and the rail bed has problems into Haddam and does not continue into Essex. We should look at rail trails.

Pat Hutton addresses the Council; she is upset that the residents in Wesleyan Hills were not given notice of this plan and it is her understanding you are connecting Wesleyan Hills with the University. She would like the vote postponed because they have not been given a fair time to look at this. The paths are walking paths. They are there because the roads are very narrow and we don't have sidewalks but walking paths so children can walk to school. There are no bike paths and the second thing is if you postpone it you can look at the plan especially the Blue Hill area and Blue Road. Because of the storm, it became a one lane road. She has an SUV and there is a blind curve and with the brush on both sides of the road only one car can get by. It is a mass transit street and a school bus route. The idea and if what I am hearing is true, you owe it to us so we can come and talk to you about it. You need to be careful where you put it. Long Hill Road is involved in this plan and the police stopped on-street parking because it is not safe. Now I hear it will be a bike path. What has changed. How can you take 3-4 feet from the road for a bike path. Be fair to all citizens in Middletown. I knew nothing about this and only what little I read in the paper. It is a good idea, but not in that area. It is private land; we pay a special assessment twice a year for the cost of maintain those paths. Her fear is the bikes will damage the paths and we walk on those paths.

Thomas Hutton states he is the Vice President of the Wesleyan Hills Association. He reinforces Joyce's opinion about walkways. They were originally put in for the children to walk to school. Kids play on those paths and in his 22 years there he has not seen any bicycles on the path and they are not allowed except for the residents. It is private land we pay assessments for to keep them intact. We were not notified of this; we read about it in the paper and they held an emergency board meeting because they are under the impression the paths are part of the bikeway. He is for biking, it is a great exercise.

Earle Roberts congratulates everyone on their success. He addresses the appropriation requests; the \$250,000 for clean up. He hopes they will utilize the work force to eliminate the overtime hours. You have to hold the accountability on what you spent and how to handle this type of storm. On the communication and reading the background his concern here is with the minimal manning, we need to look at contracts for betterment of service. Your next is for \$4,400 for Midnight on Main, the reason is interesting. The acting Chief McKenna requested for the appropriation special events before the event to properly pay them for overtime. I can't believe we wouldn't pay it and I am curious why it is ahead of time. On 8-1, on the Council investigation, you should not expend the \$10,000 and you can do that without the expenditure. The last is \$30,000 for internet crimes against children and I hope you would like to know as a taxpayer why we would assume, even though it is reimbursable, we will have to pay. Why do we pay for a symptom of a product we don't own and he suggests we should lobby the State legislature to lobby the federal government to have a better discussion. He doesn't know what he is asked to financially support. Resolution 11-2, the 5% hold back, we have done this before and if he reads it correctly, you are holding back on a bare bones budget. There is nothing left to hold back and if we can save 5 or 10 percent what are we budgeting. We should document the savings and utilizing the thinking on next year's budget. On

resolution 11-1 for David Messenger being released, he raised the issue 7 years ago that this was happening. We had children going to the library and he read where this individual's background had psychotic issues that entailed his own son and his concerns, the issue he has is it seems to me it is a step in the right direction but we should be eliminating this board. You are dealing with the symptom and the problem he has is public safety and economic development. The PSRB (Psychiatric Security Review Board) website, there are 145 people under the plan and 23 are up there now. Government should eliminate this board and it has outlived its usefulness. They have done outrageous crimes and it seems they have more rights than the victims.

The Chair thanks Mr. Roberts.

Beth Emery returns to address a couple of issues regarding the complete streets and bicycle plan and saying this that the complete streets is a State law and Middletown needs to be in compliance with and the \$20,000 appropriation will go a long way to achieve that and the \$800,000 opportunity came about at the last minute and the reason it did is because there was an extension on the federal transportation bill and that released some money to the enhancement fund and the State got word for this and it was sent on to the community and there was a short time frame to put this together and there was an oversight and it needs to be addressed with Wesleyan Hills not in the loop and there is a lot of flexibility on how the plan can be put together. It doesn't have to be Wesleyan Hills to the University. We are only having to appropriate \$20,000 to get bicycling infrastructure going on. She urges the Council to pass this tonight because we would lose the opportunity to apply for this money and it won't come back again. The application process is short and if wording has to change to Wesleyan Hills needs to know it won't start there.

Sebastian Giuliano speaks on agenda item 11-2, the 5% reserve. The thought process behind it is well-intended, but the Charter does not grant authority to the Council beyond adopting the budget and the resolution is advisory and the Council should not get in the habit of doing this because they confuse the public and the City what the legal impact is. He believes that it is in the executive's authority that once they get in 5% of the lines, that they report to you and tell you what the expenditures are and if the goal is to create citywide something akin to the salary reserve line and if that is the ultimate goal it is done better through the budget process. While I applaud the concept, the way it is proposed is not permitted by the Charter.

The Chair asks for other members of the public wishing to address the council on agenda items.

John Hall returns to state Director Warner has agreed to remove any mention of Wesleyan Hills private property from any drawings and the grant needs to be in by December 21. They can cut out Wesleyan Hills and it was thought to be an amenity to Wesleyan Hills.

Earle Roberts returns to state it is imperative in the budget process when it came to David Messenger and the Board this bears a burden on pilot funds and we should get our fair share of those fundings and that is your obligation.

Public Hearing Closed

The Chair again asks if there are other members wishing to speak; seeing no one closes at 8:10 p.m.

Agenda Item	7
Description	Appropriation Requests

The Council Clerk reads the appropriation requests and Certificate of the Director of Finance.

Appropriation Request:

MAYOR'S OFFICE
MUNICIPAL BUILDING

NOTICE OF PUBLIC HEARING

Notice is hereby given that a regular meeting of the Common Council of the City of Middletown will be held in the Council Chamber of the Municipal Building on **Monday, December 5, 2011** at 7 o'clock p.m. to consider and act upon the following:

Public Works	\$250,000, Account No. 1000-22000-51333-0226, Miscellaneous Overtime, General Fund.
Central Communication	\$85,000, Account No. 1000-18700-51355, Replacement Overtime, Dispatchers, General Fund.
Police Department	\$4,450, Account No. 1000-18000-51365-0180, Special Events Overtime, General Fund.
Planning, Conservation And Development	\$20,000, Account No. 1000-27000-59221, Complete Streets/Bicycle Plan, General Fund.

Any and all persons interested may appear and be heard.

ATTEST:
DANIEL T. DREW
Mayor

CERTIFICATE OF DIRECTOR OF FINANCE:

To: His Honor Mayor Daniel T. Drew
and Members of the Common Council
From: Finance
Date: December 2, 2011
RE: Certification of Funds

This is to certify that funds for the appropriations requested at your meeting of December 5, 2011 are available as follows:

General Fund \$359,450

Respectfully submitted,
Carl Erlacher
Director of Finance

Appropriation 7-1

Councilman Berch reads the request for Public Works in the amount of \$250,000 and moves it for approval; his motion is seconded by Councilman Faulkner. The Chair calls for discussion; seeing non, he calls the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously twelve ayes zero nays.

Public Works \$250,000, Account No. 1000-22000-51333-0226, Miscellaneous Overtime, (Approved) General Fund.

Appropriation 7-2

Councilman Serra reads the Central Communication request for \$85,000 and move sit for approval; his motion seconded by Councilman Pessina. There is no discussion. The Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously twelve ayes to zero nays.

Central Communication \$85,000, Account No. 1000-18700-51355, Replacement Overtime, (Approved) Dispatchers, General Fund.

Agenda Item 7-3

Councilman Santangelo reads and moves for approval the Police Department request of \$4,450; his motion is seconded by Councilman Faulkner. Councilman Serra states this can be voted down; it is a transfer for this activity. Councilman Santangelo states the acting Chief made the statement regarding the appropriation that a transfer can be made to do this. There is no further discussion. The Chair calls for the vote. The matter is defeated unanimously with twelve nay votes. The Chair states the matter fails unanimously with zero ayes and 12 nays.

Police Department \$4,450, Account No. 1000-18000-51365-0180, Special Events Overtime, (Defeated) General Fund.

Agenda Item 7-4

Councilman Daley reads and moves for approval \$20,000 for Planning, Conservation, and Development. Councilman Serra seconds the motion. Councilman Daley states he would like to clarify that this appropriation is separate and apart from the resolution we will be taking up later for the Wesleyan/Downtown connector. This request allows the City to incorporate planning for complete streets for road construction. It is not related to the Wesleyan Hills plan. The Chair thanks Councilman Daley. There is no further discussion. The Chair calls for the vote and the matter passes unanimously with twelve aye votes. The Chair states the matter passes unanimously with twelve ayes and zero nays.

Planning, Conservation
And Development
(Approved)

\$20,000, Account No. 1000-27000-59221, Complete
Streets/Bicycle Plan, General Fund.

Agenda Item **8**
Description **Old Business**

Councilman Klattenberg reads and moves agenda item 8-1 for approval; he states the investigation is taking place and this is approving extending the date of the report to the Council to January 31, 2012. He states there is a typo. Councilwoman Kasper seconds the motion. Councilwoman Kleckowski states she has a question for the Chair. Is Councilwoman Kasper still on the committee and she also sits on the Personnel Review Committee and is that a conflict and who will ask the questions. Councilman Klattenberg asks if he can respond and states Councilwoman Kasper is serving on as well as Councilman Bibisi on the subcommittee and with regard to a conflict of interest, it is a personal issue. If they feel they have a bias and can't be fair, that is a personal decision and there does not appear to be a conflict. The subcommittee is working with an outside consultant and the questions being asked are informational. They (the committee) have met on two occasions to discuss the information they are seeking. The consultant is performing the interviews and a draft will be provided and we will then use it as a vehicle on how we will move forward. At this stage the consultant is providing information requested by the subcommittee. Councilwoman Kleckowski states it is a conflict of interest to investigate your own committee and the Council, by Charter, should be doing the investigation. They should be asking the questions.

Councilwoman Kasper asks to be recognized and in response states it is a personal decision and she looked at it and consulted with the City Attorney and if there is a personal, monetary award coming to me that is a conflict; sitting on the Personnel Review Commission is not a conflict.

The Chair, seeing no further discussion, calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the vote is twelve ayes and zero nays and the matter passes unanimously.

Resolution No.
File Name
Description
(Approved)

185-11
ccwsinvestigationextensionto1-12.doc
Approving extending the date of the subcommittee report to the Council to January 31, 2012.

WHEREAS, the Subcommittee of the Common Council investigating the Office of the Mayor, Personnel Department, and Water and Sewer Department concerning the move of the Director, Assistant Director, and Field Manager and the assertions made in the Mayor's Press Release cannot complete its report by November 30, 2011; and

WHEREAS, the Common Council may extend the date that this report is due.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That a report of findings and recommendations shall be completed by the subcommittee with the assistance of the consultant no later than **January 31, 2012**, unless such report date is extended by the Common Council.

Financial Impact: There is no impact with the extension of the report due date.

Agenda Item **9**
Description **Department, Committee, Commission Reports and Grant Confirmations and Approvals**

Councilman Serra reads and moves for approval agenda items 9A, 9B, 9C, 9D, 9E, and 9F; his motion is seconded by Councilman Pessina. The Chair calls for discussion; seeing none, he calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously with twelve ayes and zero nays.

Agenda Item **9A**
Description **Town Clerk Certification**
(Approved) **December 2, 2011**

I, Sandra Russo Driska, City and Town Clerk of the City of Middletown, and custodian of the records and seal thereof, hereby certify that all ordinances and appropriations passed and adopted at the regular meeting of the Common Council on November 7, 2011 at 7:00 p.m. and specials meetings on November 7, 2011 at 6 p.m., November 15, 2011 at 7 p.m. and November 21,

2011 at 6:30 p.m. have been advertised in the local newspaper.

Attest:
Sandra Russo Driska
City & Town Clerk

Agenda Item
Description
(Accepted)

9B
Monthly Reports
Finance Department – Transfer Report to November 28, 2011
Public Works Report with summary/Bldg Permits for October, 2011

Agenda Item
Description
(Approved)

9C
Grant Confirmation and Approval – Board of Education

Name of Grant: As Listed Below
Amount \$1,028,655.28
Code: 2450-33000-
Grant Period: **From:** 7/1/2011 **To:** 6/30/201
Type of
Amount Loaned from General \$0.00
Department Administering Middletown Board of Education
When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.
Description of services to be provided by this 769 - Middletown Teen Theater \$1,100; 773 - CT Breastfeeding Coalition \$475; 785 - 21st. Century Community Learning-Keigwin \$9,563; 819 - Out of Town Magnet School Transportation \$188,000; 820 - Parent Leadership-PLTI \$27,000; 826 - Interdistrict Cooperative Grant \$51,567; 831 - Farm Hill After School Program \$123,500; 841 - Special Ed Medicaid \$596; 843 - Even Start Family Literacy \$156,667; 852 - Universal Service Fund \$1,064.40; 854 - United Way-Youth Services Development \$6,523.44; 858 - 21st. Century Community Learning-W.W.M.S. (\$9,563); 894 - Swaim Strings Program \$3,735; 897 - Macdonough School After School Program \$23,760; 700 - Food Services Receipts \$124,163.53; 801 - Cigna Certified & Paras \$218,959.45; 803 - Workers' Compensation \$5,602.04; 804 - Preschool Program Fees \$8,872; 806 - SWAGG Parent Fees \$1,550; 807 - Aetna Classified \$259.16; 809 - Maintenance/Rentals \$9,444.26; 823 - Curriculum Receipts \$54; 833 - Adult Ed Receipts \$483.95; 893 - Fingerprinting Receipts \$250.25; 895 - Special Ed-Tuition Reimbursement \$74,608.80; 901 - Keigwin Parent Fees \$420; Total Special Programs Through 10/17/2011 \$6,318,941.42 ADDITIONS \$1,028,655.28 Total Special Programs Through 11/18/2011 \$7,347,596.70
Requested by: Michael J. Frechette, Ph.D.

Agenda Item
Description
(Approved)

9D
Grant Confirmation and Approval –
Police Department, Internet Crimes against Children

Name of Grant: Internet Crimes Against Children Task Force
Amount \$30,000.00
Code: 3491-18000-
Grant Period: **From:** **To:**
Type of State
Amount Loaned from General \$30,000.00
Department Administering Police Department
When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.
Description of services to be provided by this The Internet Crimes Against Children Task Force is a multi-agency, task force to deter, prevent, investigate, and prosecute predators who seek to exploit and engage minors/children, in sexual activity through the use of computers, electronic media and the internet. The Middletown Police Department working in conjunction with other ICAC members would be investigating cases involving crimes against children involving the City of Middletown. These cases would be developed through referrals from the ICAC Cyber Tip line, internet service providers, other law enforcement agencies, and by information gathered through undercover internet investigations. The expenses will be both for overtime and supplies and equipment. All expenses are 100% reimbursable.
Requested by: Acting Chief William McKenna

Agenda Item
Description
(Approved)

9E
Grant Confirmation and Approval –
Police Department, CT Drug Investigation Fund.
Name of Grant: CT Drug Investigation Fund - Confiscated Funds
Amount \$7,951.17
Code: 3490-18000-
Grant Period: **From:** **To:**
Type of State
Amount Loaned from General \$0.00
Department Administering Police Department
When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other

Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this Eighty five percent of the grant funds will be earmarked for Street Crime activities and fifteen percent will be used for educational purposes outlined in the CT General Statutes 54-36i. \$6,758.49 to line #3490-18000-57030-0180-03536-0000-000 Confiscated Funds and \$1,192.68 to line #3490-18000-57030-0180-03535-0000-000 Drug Education.

Requested by: Acting Chief William McKenna

Agenda Item Description (Approved)	9F Human Relations – 2011/2012 Recruitment Hiring Report, 1st Quarter
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Agenda Item Description	10 Payment of Bills
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Councilman Serra moves for approval the payment of all bills properly approved. Councilman Pessina seconds the motion. There is no discussion. The Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously with twelve aye votes and zero nays.

Agenda Item Description	11 Resolutions, Ordinances, etc.
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Agenda Item	11-1
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Councilman Serra reads and moves for approval agenda item 11-1; he asks to read it in its entirety and then to speak to it. Councilman Klattenberg seconds the motion.

Point of Personal Privilege

Councilman Santangelo asks for a point of personal privilege; he states he will recuse himself from discussing and voting on this matter because he is a State employee and will leave the chamber.

Councilman Serra states being involved in City government since the ‘70’s these types of burdens have been on the City of Middletown, especially with the consolidation of Norwich and Fairfield. Middletown is a compassionate community. We house CVH, Whiting Forensic Riverview Hospital, and the training center as well as the support entities for these and we have no representation for our feelings. The Review Board is all out-of-towners and this does not affect their well being or safety. It is a matter of safety that this individual not come on our streets. All former mayors have made this opinion known. We are also, as former Councilman Roberts stated, we get PILOT. We are supposed to be paid what the land and buildings are worth, yet we don’t get those funds. The State needs to do that for us so we can provide the appropriate services. He is strongly opposed to this as was Mayor Giuliano. These individuals are not from Middletown and we house this institution for over 150 years and the burden because of consolidation is here and this Council representing the citizens, will support this and we want to make the delegation aware we are not getting the PILOT we are supposed to get. Frankly, he states he was here on this Council when we had the situation of Jessica Short and it is a scar on this community. He hopes the Council will support this.

Councilman Bibisi states first for the record, he has no faith of the Psychiatric Review Board. He states when he was on the Middletown Police Force, he investigated three releases from Whiting. Two were sexual assaults and the third was Jessica Short. He supports this resolution. CVH is a good neighbor for the most part, but Whiting and the Review Board are lacking.

Councilman Pessina states he will strongly support the resolution. As a past Deputy Chief of Police in Middletown, he made it his mantra to read all the PSRB reports to understand who was being released or if it was temporary release due to the violent nature of some of the acts. Our City has much compassion and we tolerate an extreme amount of the results that come for CVH. As a result of the tragic death of Jessica Short, he was appointed to the Advisory Committee for CVH and one of the things that came out of it was that when patients come and are released we have an agreement they will be released into their home community. While the PSRB can be effective, it needs community oversight from the community and especially the policing aspect when we track the individuals into the community. Wherever the community is, it should be part of the PSR Board reports and they need to be reviewed on the monthly basis when they come in. Compassion should not overtake caution to a community. In this case, having that individual into this community for treatment, we need to monitor the movements of this individual. Whoever it is that is released into any community, we should be cautious and follow the movements

and make sure they go back to the hometown community. He would like to make a friendly amendment that there will be tracking of this individual for treatment or release because of the crime committed.

The maker of the motion asks for an explanation. Councilman Pessina responds mandate the PSRB put into the release a tracking method for this individual while under their jurisdiction. Councilman Serra responds no community should have a burden like this. He does not want to agree to that with this individual.

Councilman Bibisi states he won't support that amendment; that is opening the door. We don't want to crack the door. Keep him out of Middletown.

Point of Order Councilman Pessina states the reason for the amendment is if the PSRB is going to release him, the way the resolution is stated, we don't have any say to his being monitored. I don't want him in the community, but if they give him limited avenues of treatment, part of that should be, he is tracked. If you don't, it will be a release and there is no tracking. They monitor criminals that way.

Councilman Faulkner states this is an unusual case; he has read about it and he thinks the Mayor's letter represented the City well. He will support it because it is unusual and he wants to make the point that we have people among us who are not nice and the high case profiles we do know about. We have people who are off the charts. He reminds the citizens as a community we have to look after each other better. We should know who is in the community at all times and what he doesn't like is we have a period of time where we are fearful. We have to be stronger and stand up to a lot of this fear. This is an unusual case and he will support this. We cannot legislate behavior.

The Chair asks for further discussion. He states for the record while our system of jurisprudence is the best in the world and we get it right, juries are people and fallible. The only thing we know is what he did and as such we can't take the risk to allow him to enter the community and live among our citizens, or in any town. A day release should not be suffered by the people of Middletown nor any community. He appreciates the support and hopes it echoes with the PSRB at the State.

The Chair calls for the vote. It is unanimous to approve with eleven aye votes and one member abstaining from the vote (Councilman Santangelo). He states the matter passes unanimously eleven in favor and one member abstaining.

Resolution No.
File Name
Description

186-11
ccmessenger2011
Approving notifying the Psychiatric Safety Review board on behalf of Middletown Citizens that they do not want unsupervised release times for David Messenger.

(Approved)

WHEREAS, David Messenger committed the act of murder and was determined to be not guilty by reason of insanity; and

WHEREAS, Mr. Messenger has come before the Psychiatric Safety Review Board concerning unsupervised release times in Hartford with the option to come to Middletown once his three-month period of supervised release has ended; and

WHEREAS, there is no assurance to the citizens of Middletown beyond the opinion of psychiatrists based on Mr. Messenger's self-reporting that he will not harm others; and

WHEREAS, there is no doubt that Mr. Messenger is responsible for the violent death of his wife.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That on behalf of the City of Middletown, we express strong opposition to Mr. Messenger's release into our community; and

BE IT FURTHER RESOLVED: That we do not want the Citizens of Middletown to bear the burden of Mr. Messenger's unsupervised release into our community and nor the prospect of another violent act after the community has already carried the burden of housing him and having him in the community on supervised visits.

Agenda Item

11-2

Councilwoman Bartolotta reads and moves for approval agenda item 11-2; Councilman Faulkner seconds the motion.

Motion to Amend

Councilman Serra moves to amend the resolution by changing the 5% to 10% and he would like to speak to it. The Chair asks the maker of the motion if she accepts the amendment. She does. Councilman Serra states a staff member did an exercise relative to this and the reason they would like this to occur is because of the loss of Aetna, the economy, as well as the people who are having problem paying taxes and they want to be solvent at the end of the year

and any time the money is to be utilized it should come to the Council. The 10% is 1/10th of a mill and that is the reason behind this.

Councilwoman Kleckowski states I have the legal opinion regarding a resolution dated January, 2010 when this came up and she forwarded it to the Council Clerk and it is from Tim Lynch, a legal opinion from the Office of the City Attorney of Middletown and she reads from the legal opinion regarding operational authority over departments. As it has been discussed over the last two years, this body voted on the budget and it was approved last May and it is up to the executive branch to oversee it as he sees fit.

The Chair thanks Councilwoman Kleckowski and calls on the Corporation Counsel on this. Attorney Ryan reads from the opinion you are citing and I think if the resolution is changed somewhat it could overcome this opinion which again, the Mayor proposed the budget, the Council as legislative body adopts it and the problem is the “be it further resolved that Finance and Government Operations,” a committee of the Council interferes with the Mayor’s executive duty to see to the budget once it comes out. If it states the Mayor can determine the use of the 10% it could clear the hurdle of the Charter and Attorney Lynch at the end of the opinion states that if the Council wants to prevent the money being spent in the current fiscal year, the better approach would be through an ordinance. If the resolution was modified or amended along the lines I mentioned, it would be fine and not a violation of the Charter.

Councilman Serra asks the Corporation Counsel if we said to the mayor do this, the mayor would have to carry this out by Charter and the oath of office he took. He is obligated by the oath of office. Attorney Ryan responds yes, he continues once the budget is passed then it is under the mayor’s oversight.

Motion to Amend

Councilman Serra states he will amend it; Councilwoman Bartolotta takes the amendment as friendly. Councilman Serra states again t the mayor is obligated to carry through because of his oath of office.

Councilman Pessina seconds the motion.

The Chair calls for discussion on the 10% reserve account.

Point of Order

Councilman Pessina asks through the Chair to Councilman Serra that Finance and Government Operations will still budget like we proposed. Councilman Serra responds yes.

The Chair calls for vote on 10% amendment first. It is ten aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, and Berch; and two nay votes by Council Members Salafia and Kleckowski. The Chair states the matter passes with ten in favor and two opposed.

The Chair calls for discussion on the language change offered by Corporation Counsel Ryan moved by Councilman Serra and seconded by Councilman Pessina that the Mayor approves the use of the reserve funds rather than Finance and Government Operations. Seeing no discussion, the Chair calls for the vote on that language. It is ten aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, and Berch; and two nay votes by Council Members Salafia and Kleckowski. The Chair states the matter passes with ten in favor and two opposed.

The Chair calls for a vote on the amended resolution. Councilwoman Kleckowski is recognized and states her position is she believes the legislative body sets a precedent to dictate to the executive branch. This body could dictate something else for the executive branch to adhere to; she will not support this because the legislative branch should not interfere with the executive branch and the executive branch should not interfere with the legislative branch.

The vote is called. It is ten aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, and Berch; and two nay votes by Council Members Salafia and Kleckowski. The Chair states the matter passes with ten in favor and two opposed.

Resolution No.
File Name
Description
(Amended and Approved)

187-11
cc12-5-11reservefor11-12bud.docx
Approving the withholding of 10%of budget lines in a reserve account.

WHEREAS, due to poor economic conditions, the Common Council would like to create a Reserve Account so that the sum of 10 percent shall be deducted from each line item in the General Fund exclusive of salaries, items related to contractual obligations, debt service and the Board of Education, which sum shall be held in said Reserve Account by the department through the end of the fiscal year ending June 30, 2012 to increase the potential of saving money and to avoid a spend down by departments at the end of the year.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That it directs the Mayor to establish the reserve account and deduct the sum of 10

percent from each line item in the General Fund exclusive of salaries, items related to contractual obligations, debt service and the Board of Education, which sum shall be held in a Reserve Account by the department through the end of the fiscal year ending June 30, 2012 in accordance with the City of Middletown Charter, Section 4, "Authority of the Common Council" which grants to the Common Council the fiduciary responsibility to levy taxes and to adopt a budget for each fiscal year.

FINANCIAL IMPACT: This action represents sound and prudent budget management and consistent with similar financial actions implemented in the past by the city. The impact could potentially increase the fund balance.

Agenda Item 11-3

Councilman Klattenberg reads and moves for approval the resolution regarding auditors. His motion is seconded by Councilman Pessina.

Councilman Faulkner wasn't here for the questions to Directors and was there a process. Councilman Klattenberg states it is a professional services agreement and needs approval through the Mayor, Finance and Council. Mayor Drew states they have done the work very well for two decades, are very affordable and very well done. Councilman Faulkner states they have been here a long time and we should look at another firm and get fresh eyes to look at things.

Councilwoman Kleckowski states she concurs with Councilman Faulkner; the City should look at another firm after two decades.

Councilman Berch states he concurs and an RFP is in order for audits going forward. Councilman Klattenberg states for enlighten to the body during the discussion phase, there were some shortfalls in their performance, but they were not technical or cost but in their communication with the Finance and Government Operations Commission and members of the committee; we have taken certain action that the communication will be far better and they will be judged at the end of the first year and if it needs to be revisited, they will, at the end of the first year.

Councilman Pessina will support this; there was a communiqué that they met and they will meet with the Finance and Government Operations Committee and he agrees with councilman Klattenberg on this. They have a long history in the State and we will stay the course on the recommendation of the Finance Director. There is no further discussion. The Chair calls for the vote. It is nine aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Pessina, Bibisi, and Salafia; and three nay votes by Council Members Faulkner, Berch, and Kleckowski. The Chair states the matter passes with nine affirmative votes and three opposing votes.

Resolution No.	188-11
File Name	mo12-13auditorsforcity
Description	Approving Blum and Shapiro as auditors for the City of Middletown for fiscal years ending June 30, 2012 and June 30, 2013.
(Approved)	<p>Be it resolved by the Common Council of the City of Middletown: That the firm of Blum Shapiro & Company, PC, be appointed auditors for the City of Middletown, including Financial statement audit, state single audit, federal single audit, Education Form ED001 for the following fiscal years:</p> <p>June 30, 2012 fee \$80,000 June 30, 2013 fee \$82,500</p> <p>Financial Impact: An auditor is appointed by Charter, Chapter VI, Section 4 and fees are considered during the budget process. There is no additional impact for fiscal year 2012 and a \$2,500 additional cost for fiscal year 2013.</p>

Agenda Item 11-4

Councilman Berch reads and moves agenda item 11-4 for approval and his motion is seconded by Councilman Klattenberg. There is no discussion. The Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously with twelve affirmative votes and zero in opposition.

Resolution No.	189-11
File Name	prrecreaitonactivityfee2011.doc
Description	Approving all Recreation Activity Fees to remain the same for 2012.
(Approved)	<p>BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: With the recommendation from the Parks and Recreation Commission from their meeting on November 3, 2011 that all Recreation Activity Fees (sec. 214-40 of chapter 214) will remain the same.</p> <p><u>Financial Impact</u> There will be no financial impact we anticipate that the Department will bring in approximately the same revenue as last year.</p>

Agenda Item 11-5

Councilwoman Kasper reads and moves for approval agenda item 11-5; her motion is seconded by Councilman Santangelo. There is no discussion and the Chair calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously with twelve affirmative votes and zero in opposition.

Resolution No. 190-11
File Name wswaterCNRlineitems2011
Description Approving reducing various accounts in the Water Department CNR for a total of \$145,078.99 and approving creating two new CNR line items Customer and Billing Software in the amount of \$55,000 and Computer Hardware Billing, et al in the amount of \$50,000.

(Approved)

Be It Resolved by the Common Council of the City of Middletown: That the following Water CNR Line Items be reduced by the amounts so indicated; and

Be It Further Resolved: That two new line items be created as so indicated.

Existing Line Items

Account Number				Description	Reduction Amounts
5010	60000	79448		Repair/Replace/Improve 08/09	\$ 170.33
5010	60000	79449		Adjustment to Grid 08/09	\$ 468.20
5010	60000	79450		Building Maintenance 08/09	\$ 1,094.20
5010	60000	79451		Leak Detection Equipment 08/09	\$ 31,435.00
5010	60000	79452		Office Equipment 08/09	\$ 152.66
5010	60000	79453		Well Redevelopment 08/09	\$ 388.89
5010	60000	79454		DOT/DPW Maintenance 08/09	\$ 691.75
5010	60000	79455		Outside Maintenance Equipment 08/09	\$ 3,800.38
5010	60000	79456		Miscellaneous Equipment 08/09	\$ 3,250.00
5010	60000	79457		Lab Equipment 08/09	\$ 89.20
5010	60000	79459		Pipe Bedding 08/09	\$ 63.54
5010	60000	79462		43W Replacement 08/09	\$ 1,067.54
5010	60000	79463		53W Replacement 08/09	\$ 921.42
5010	60000	79466		Hydraulic Hammer 08/09	\$ 10,000.00
5010	60000	79497		Repair/Replace/Improve 09/10	\$ 2,280.02
5010	60000	79498		Adjustment to Grid 09/10	\$ 110.49
5010	60000	79499		Building Maintenance 09/10	\$ 441.38
5010	60000	79500		Office Equipment 09/10	\$ 813.05
5010	60000	79502		DOT/DPW Maintenance 09/10	\$ 6,240.00
5010	60000	79503		Outside Maintenance Equipment 09/10	\$ 6,250.00
5010	60000	79504		Miscellaneous Equipment 09/10	\$ 4,046.32
5010	60000	79525		VFD 09/10	\$ 4,450.00
5010	60000	79497	2011	Repair/Replace/Improve 10/11	\$ 528.62
5010	60000	79501	2011	Well Redevelopment 10/11	\$ 30,000.00
5010	60000	79530	2011	Main Street Paving 10/11	\$ 36,326.00
TOTAL					\$ 145,078.99

Created Line Items

Account Number				Description	Created Amounts
5010	60000	xxxxx	2012	Customer and Billing Software	\$ 55,000.00
5010	60000	yyyyy	2012	Computer Hardware for Billing etal	\$ 50,000.00
TOTAL					\$ 105,000.00

Fiscal Note
No Additional Impact with the reallocation of funds.

Agenda Item 11-6

Councilman Daley reads and moves for approval agenda item 11-6; his motion is seconded by Councilman Serra. Councilman Daley states he would like to speak to it. He restates what was addressed by Beth Emery and Rev. Hall. There was rush to do this quickly and it is unfortunate there was no contact with the Wesleyan Hills Association and with the grant deadline of December 21, he

urges approval with the recommendation to remove the references on the map of the Wesleyan Hill bike trails and to clarify that private property is private property. What he understands about the parameters, we have to demonstrate it is not a recreational improvement, but an alternative to vehicular traffic so we need to keep the idea of connecting Wesleyan Hills and the University to downtown. It could be from the edge of the area on in. The concerns of the Association are valid, but we have the opportunity to capture funding.

Point of Information

Councilman Serra states procedurally there will be public hearings. Councilman Daley responds yes; and there will be professionals engaged to do this and the bike paths of 3-4 feet, clearly it is not adequate and that is a misunderstanding. Those that are steep and go up stairs are not suitable. This was pulled together in a matter of days.

The Chair states his understanding of the plan and he doesn't believe the trails will be connected as the proposed bike paths. They will be in the same area. They were not supposed to come together and that was not articulated by the City and it was his responsibility.

Councilman Pessina states he will support this. He asks that the working group, along with the engineers, that they work closely with the stakeholders and his hope is a multiuse bicycle path to conform with the complete streets act and we get connectivity from downtown, the north end, and Wesleyan. This is the beginning. He sees it in New Haven with signage for bicyclists. He is excited about this and it is the right step in the right direction and the right time. We should move forward.

Councilman Bibisi states he will support this; the only thing he has concerns over is that the Jonah Center group would loop into the north end. Sixteen children just received bikes and they have no place to ride. Saybrook Road will be restructured and it would be a great opportunity to look at that as well as Newfield Street. He will support it but hopes the Jonah center looks at the different areas.

Councilman Faulkner states having just come back from St. Louis, he has a good appreciation of this project. Their streets are full of barriers that block off streets with gates and you can't get around the City because of those barriers. He appreciates this project and hopes some of the community in the pathway are invited to come to the table to see the plans. He gets skeptical when everyone is gung ho. You need the doubter to insure all points are looked at. As chair of Insurance and Claims, stay close to the Risk Manager and make sure she is involved so we don't get in trouble.

Councilman Santangelo states the other night at the Economic Development committee meeting, the comment was made, Beth gave us an education. What we are looking at is a linear park. I walk a lot and it does mention pedestrians away from traffic. People who ride bicycles are comfortable on the roads. This is out of the traffic flow and those who commute on bikes are used to traffic. He sees this as a linear park. This will be ADA accessible. It gives people a lot of opportunity. Not to throw everything out, Beth, you brought out good ideas. Basically we have to pay attention to the community. When you have narrow roads, you wish you had a bike path. This is a first step and he likes the idea and will support this.

There is no further discussion. The vote is called and it is unanimous to approve with twelve aye votes. The Chair states the matter passes twelve to zero, with twelve in favor and zero opposed.

Resolution No.	191-11
File Name	PCDWesleyanbikepath
Description	Authorizing the mayor to sign and submit documents to apply for \$800,000 in federal transportation enhancement funds to construct the Wesleyan Hills-Wesleyan University – Downtown Connector and approving a 20% local match during fiscal years 2013 – 2016; approving working with the Jonah Center for Earth and Art to convene a working group of bicycle enthusiasts to begin development of a complete streets/bicycle plan for Middletown with some funding to retain engineers, landscape architects and planners to formalize the group’s recommendations.
(Approved)	<div><p>WHEREAS, the city's 2010 Plan of Conservation and Development includes the following recommendation:</p><ul style="list-style-type: none"><i>To promote more viable and unique neighborhoods, the city should design and construct a multi-use trail system which links 80 % of all residential units in the higher density zones to shopping areas and the downtown core.</i><p>WHEREAS, city staff members have developed a draft multi-use trail master plan which, after the construction of 3 multi-use trails, accomplishes this recommendation; and</p><p>WHEREAS, federal transportation enhancement funds are once again available for the:</p><ul style="list-style-type: none"><i>Provision of facilities for pedestrians and bicyclist</i><i>Provision of safety and education activities for pedestrian and bicyclists</i></div>

- ***Landscape and other scenic beautification; and***

WHEREAS, the “**Wesleyan Hills – Wesleyan University – Downtown Connector**” will promote alternate modes of transportation by linking Wesleyan Hills (561 housing units) to Wesleyan University (3,013 students and 900 employees) to the downtown (10,000 employees).

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: that the Mayor is hereby authorized to sign and submit all documents necessary to apply for \$800,000 in federal transportation enhancement funds to construct the ***Wesleyan Hills – Wesleyan University – Downtown Connector***”; and

BE IT FURTHER RESOLVED that the City of Middletown Common Council is fully committed to this project and will provide the required 20% local match, during federal fiscal years 2013-2016, through a combination of eligible non federal funds, including but not limited to local general fund, local road bond funds, state LOCIP funds and local CDBG entitlement funding for those portions of the connector providing direct benefit to low to moderate income residents and private funding/participation; and

BE IT FURTHER AND FINNALLY RESOLVED that the Common Council respectfully requests that the Mayor, using the power of his office and working with the Jonah Center for Earth and Art, convene a group of walking and bicycling advocates to work on the development of a Master Bike and Pedestrian Plan for the City of Middletown. Such work will include the provision of funding to retain engineers, landscape architects and planners to formalize the group's recommendations.

FINANCIAL IMPACT – the cost of receiving \$800,000 in federal enhancement funding is \$200,000 of “non-federal funds”. The federal funds will not be available until federal fiscal year 2013 and therefore a small portion of matching funds will be needed around October 2012 for engineering with the majority of the match required around October 2013. As stated above there are a number of local funding sources which can be utilized to limit the impact on the general fund.

Agenda Item **11-7**

Councilwoman Bartolotta reads and moves for approval agenda item 11-7, Ordinance 285-17. Councilman Santangelo seconds the motion. The Chair seeing no discussion, calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously with twelve in favor.

Resolution No.

23-11

File Name

Sec285-17L-2011

Description

Amending subsection. (4) of Section 285-17 Parking lots and meters of Chapter 285 of the Middletown Code of Ordinances to amend monthly parking lot permit fees from \$65 to \$75 per month.

(Approved)

Be it ordained by the Common Council of the City of Middletown: That Subsection L.(4) of Sec. 285-17. Parking lots and meters. of Chapter 285 of the Middletown Code of Ordinances be amended as follows:

L. (4) Permit parking lots: Mellili Plaza Lot, Riverview Garage (lower level only): **[\$65] \$75**; Lot A, Lot B, Broad Street Lot and Grand Street Lot, permit parking: **[\$65] \$75** per month, plus tax, per permit.

Agenda Item **11-8**

Councilman Faulkner reads and moves for approval agenda item 11-8; his motion is seconded by Councilman Klattenberg. There is no discussion. The Chair calls for the vote and it is unanimous to approve with eleven in favor and one abstention by Councilman Pessina. The Chair states the matter passes unanimously with eleven in favor and one abstention by Councilman Pessina.

Resolution No.

192-11

File Name

ccpessinaparkandrec

Description

Approving the appointment of Councilman Philip J. Pessina to the Park and Recreation Commission.

(Approved)

WHEREAS, the Council met to establish Council committee, commission, board, and agency assignments and find a need to change an assignment.

WHEREAS, Deborah A. Kleckowski has resigned from the Park and Recreation Commission

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Philip J. Pessina is hereby appointed to fill the vacancy of Councilwoman Kleckowski to November 12, 2013.

Agenda Item **11-9**

Councilman Serra reads and moves for approval agenda item 11-9; his motion is seconded by Councilman Pessina. The vote is called and it is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously with twelve in favor.

Resolution No.

193-11

File Name

pkbudget11-12

File Name	Description
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Approving the budget for the Parking Department as listed in the resolution.

(Approved)

Whereas the City of Middletown Parking Fund was created by the City of Middletown Ordinance 10-09 in April 2009; and

Whereas, the Ordinance 10-09 requires that anticipated expenditures from the Parking Fund be reviewed by the Parking Advisory Committee and approved by the Common Council; and

Whereas, due to changes in department leadership that coincided with the City’s formal budget process, no formal Parking Fund Budget was proposed for Town Council approval in May 2011 along with the other special funds needing approval; and

Whereas, without a formal approved Line Item Parking Fund Budget for the Fiscal Year 2012, current internal cost allocation urgencies have arisen due to pending winter snow removal costs, some immediate maintenance and repair issues in various lots, signage replacement costs for certain lots and the immediate need for a secure Town vehicle for various Parking Department functions; and

Whereas the Parking Fund currently contains \$125,000 dollars to be allocated for parking infrastructure, repair, operating needs and other service needs; and

Whereas, the Director of the Department and the Chair of the Parking Advisory Committee propose the following expenditure budget for the 2012 Fiscal Year totaling \$125,000:

Parking Lot Sweeping:	\$ 3,000
Parking Lot Lighting Repairs	\$ 5,000
Parking Lot Striping	\$ 1,000
Parking Lot General Repairs	\$ 5,000
Parking Lot Signage	\$ 3,000
Parking Lot Snow Removal	\$12,000
Parking Dept. Secure Vehicle Purchase	\$20,000
Parking Dept Other Contractual Services	\$75,000
Parking Dept. Towing Costs	\$ 1,000
Total Parking Fund Expenditures	\$125,000

Now, Therefore, Be it Resolved by the Common Council of the City of Middletown: That the proposed budget for the City of Middletown Parking Fund, as outlined above and prepared by the Director of the Parking Department in conjunction with the Parking Advisory Chairman and the Finance Department, be approved.

Agenda Item 11-10

Councilman Santangelo reads and moves for approval agenda item 11-10; his motion is seconded by Councilman Pessina. Councilman Faulkner asks if this is the only place to get this. Councilman Santangelo states they looked at this and did look at others and this is probably the most convenient we can get. There were three quotes.

The Chair states it didn’t go out to bid. Councilman Serra states they had three quotes and did not go out to bid. This was the lowest of the three. Councilman Santangelo states we are buying fire hydrant markers; with the snow we had last year, he thought he knew where the hydrant was near his home, but he was off by three feet. If there is a fire, there is not a lot of time. This will keep their location noticeable. Councilman Serra suggested this to the Chief to do this. Councilman Serra states this was discussed since last March; they are metal and tall and very visible. Councilman Santangelo states it is a good idea. The Chair asks for further discussion. Seeing none, he calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously with twelve in favor.

Resolution No.
File Name
Description

(Approved)

194-11
fdbidwaiverforfirehydrantmarkers
Approving a bid waiver in accordance with Chapter 78-8 to purchase 1,100 HyViz fire hydrant markers for the cost of \$12,639.

Whereas, last year’s record snow fall buried many fire hydrants causing safety concerns for the Fire Departments in the City; and

Whereas, the Public Safety Committee unanimously voted to support the purchase and installation of markers on all 1,100 fire hydrants throughout the City so they can easily be located; and

Whereas, the Water & Sewer department will soon be winterizing all the fire hydrants, and it is more productive and efficient for these employees to install the markers at the same time; and

Whereas, the time frame for the winterizing does not allow for the Fire Department to seek bids for the purchase of the fire hydrant markers; and

Whereas, the Department did seek three quotes for the markers with HyViz, Inc. providing the lowest cost of \$12,639; and

Whereas, the Purchasing & Standardization Committee approved the bid waiver after reviewing appropriate documentation and interviewing the Director.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That in accordance with Chapter 78-8 of the Middletown Code of Ordinances, the competitive bidding requirement is hereby waived to purchase fire hydrant markers from HyViz, Inc.; and

BE IT FURTHER RESOLVED: That the Fire Department agrees to bid all future purchases of these

fire hydrant markers.

Fiscal Impact: The price of the fire hydrant markers has already been appropriated.

Agenda Item	12
Description	Mayor’s Appointments
(Approved)	

The Chair asks how the Council would like to handle appointments; Councilman Serra states read them all. The Chair states they were amended earlier on the agenda and reads them all.

Councilman Serra moves them for approval; his motion is seconded by Councilman Faulkner. There is no discussion. The Chair calls for the vote; it is unanimous to approve with twelve aye votes. The Chair states the matters pass unanimously with twelve in favor.

- Middletown School Readiness:**
Appointment of Elizabeth Fraser to replace Cindy Cappetta at Even Start
Appointment of Susan Macary as parent affiliate.
Appointment of Cat Greaves to replace Maureen Partyka at Family Resource Centers.
Appointment of Robyn Anderson to replace Krystal Ndukwu at A.M.E. Zion Church.

Base Closure Redevelopment Committee:
Appointment of Joseph Samolis to replace William Pillarella.

Records Management Committee:
Appointment of Joseph Samolis to replace William Pillarella.

Standardization and Specification Committee:
Appointment of Joseph Samolis to replace William Pillarella to January 7, 2014.

MidState Regional Planning:
Reappointment of Carl Bolz to April 30, 2014.
Reappointment of Lee Osborne to April 30, 2015.

Inland/Wetlands and Water Courses Agency, Alternate:
Appointment of Salvatore Micciulla as an alternate to October 31, 2014.

Middletown Commission on the Arts and Culture:
Appointment of Franca Biales to July 1, 2014.

Urban Forestry:
Appointment of Chris Holden to fill a vacancy to December 31, 2014.

Cable Advisory:
Reappointment of Daniel Russo to July 31, 2013.
Appointment of Lisa Santangelo to July 31, 2013.

Agenda Item	13
Description	Contingency Fund Transfers

The Chair states he has one contingency fund transfer of \$1,000 from the Mayor’s contingency fund to line item to 1000-27000-57030-0708-00000-0000-000 to help pay for the Middletown Xavier Dinner at the Elks.

Motion to Adjourn
Councilwoman Kasper moves to adjourn and his motion is seconded by Councilman Pessina. The Chair asks all in favor and the vote is unanimous with twelve aye votes to adjourn. The Chair declares the meeting adjourned at 9:13 p.m.

ATTEST:

MARIE O. NORWOOD
COMMON COUNCIL CLERK